



11/30/05

MESSAGES FROM THE HOUSE

SB 654 (Toy)

Senate Bill 654 amends the sentencing guidelines of the Code of Criminal Procedure to specify that a public servant purchasing more than 4 parcels of land and/or doing so less than 18 months between purchases is subject to a Class G felony.

- The Senate concurred with the House changes to SB 654 [RC 606: 34 yes, 0 no].

FINAL PASSAGE

SB 795 (George)

Senate Bill 795 amends the Public Health Code, in order to facilitate genealogical research, to allow the state registrar to electronically transmit death, marriage and divorce records at least 75 years old, and birth records 110 years old to the Library of Michigan. In addition, the registrar may implement a web-based mechanism for accessing those records, transmit the records to other federal, state, local or private entities and establish a procedure for updating and correcting the records.

Support: DCH, MI Genealogical Society

- SB 795 was moved to 3rd reading of Bills. No amendments.
- SB 795 passed with IE [RC 615: 35 yes, 0 no].

HB 4027 (Stewart)

House Bill 4027 would require the State Tax Commission to issue an exemption certificate for a specific business, Coffee Express in the Charter Township of Plymouth. The exemption certificate would run from December 30, 2002 to December 30, 2009. It appears that the local government approved an extended exemption for this facility once before, and that certificate expired in December 2002. Currently, section 16a of the Plant Rehabilitation and Industrial Development Districts Act allows the exemption to be extended with local approval as long as it was issued for less than the 12 year maximum. HB 4027 would reduce State and Local tax revenue by approximately \$7,000 annually over the abatement period.

- Brown (S-1) was adopted.
- HB 4027 was moved to 3rd reading of Bills.

- HB 4027 passed with IE [RC 607: 35 yes, 0 no].

HB 4186 (Rocca)

House Bill 4186 would set the issuance date of a concealed pistol permit as the same day as the expiration of the preceding permit, if the permit were renewed prior to its expiration date. This bill would make the concealed pistol permit renewal process more consistent among counties, and reduce the likelihood that permit holders hold "overlapping permits".

- *Committee 1 (S-1) was adopted.*
- *HB 4186 was moved to 3rd reading of Bills.*
- HB 4186 passed with IE [RC 613: 35 yes, 0 no].

HB 4258 (Miller)

House Bill 4258 would permit an individual who is unable to write to use his or her fingerprints where a "written signature" is required.

Support: Arc Michigan (which advocates for citizens with developmental disabilities and their families)

Oppose: Secretary of State expressed some concern as to the lack of equipment on hand to allow for implementation of taking fingerprints as a signature

- *Cropsey (1a) was adopted.*
- *Committee (S-1) as amended was adopted.*
- *HB 4258 was moved to 3rd reading of Bills.*
- HB 4258 passed with IE [RC 612: 35 yes, 0 no].

HB 4597 (Mortimer)

House Bill 4597 (S-1) would amend the Michigan Penal Code to establish an enhanced criminal penalty for indecent exposure if the violator fondled himself or herself while committing the violation (aggravated indecent exposure). Under the Michigan Penal Code, a person who knowingly makes any open or indecent exposure of his or her person or of the person of another is guilty of a misdemeanor punishable by up to one year's imprisonment or a maximum fine of \$1,000, or both. If, at the time of a violation, the offender was a sexually delinquent person (as defined in the Code), the violation may be punishable by an indeterminate term of imprisonment of one day to life. Under the bill, in addition to the penalties described above, if a person fondled his or her genitals, pubic area, or buttocks, or if a female fondled her breasts, while committing indecent exposure, the violation would be a misdemeanor punishable by up to two years' imprisonment, a maximum fine of \$2,000, or both.

- *Committee 1 (S-1) was adopted.*
- *HB 4597 was moved to 3rd reading of Bills.*
- HB 4597 passed with IE [RC 609: 35 yes, 0 no].

HB 4598 (Jones)

House Bill 4598 (S-1) would amend the Sex Offenders Registration Act (SORA) to include aggravated indecent exposure in SORA's definition of "listed offense" if the offender had previously been convicted of indecent exposure or aggravated indecent exposure. The Act requires a person convicted of a listed offense to register as a sex offender.

- *Committee 1 (S-1) was adopted.*
- *HB 4598 was moved to 3rd reading of Bills.*
- **HB 4598 passed with IE [RC 610: 35 yes, 0 no].**

HB 4599 (Elsenheimer)

House Bill 4599 (S-1) would amend the Code of Criminal Procedure to include aggravated indecent exposure in the sentencing guidelines. Under the bill, the offense would be a Class G felony against a person, with a statutory maximum sentence of two years.

- *Committee 1 (S-1) was adopted.*
- *HB 4599 was moved to 3rd reading of Bills.*
- **HB 4599 passed with IE [RC 611: 35 yes, 0 no].**

HB 4706 (Kooiman)

House Bill 4706 would create an extended hours permit to allow bars and other on-premise licensees to remain open and offer certain types of entertainment outside of the regular hours that liquor can be sold and consumed on the premises. The local unit of government would have to approve a permit, as would the Liquor control Commission, and the local law enforcement agency. Under current laws, alcohol cannot be served past 2 a.m., and may not be consumed by patrons past 2:30 a.m. The concern is that businesses must require customers to leave before they have a chance to sober up. This bill would allow patrons to stay on premises, and sober up before leaving and driving. Most activities could be allowed after 2 a.m., with the exception of topless activity, extended drinking hours, and gaming (keno, lottery etc).

- *HB 4706 was moved to 3rd reading of Bills. No amendments.*
- **HB 4706 passed with IE [RC 616: 35 yes, 0 no].**

HB 4777 (Van Regenmorter)

House Bill 4777 would amend the wrongful death provision of current law to clarify that the right to sue for a wrongful death also applies when an act is committed against a pregnant woman resulting in a miscarriage or stillbirth by that woman or physical injury to or the death of the embryo or fetus. Public Act 2 of 2001 and Public Act 164 of 2002 were enacted to amend the wrongful death statute to extend criminal and civil penalties to conduct causing the death of an embryo or fetus. It was believed at the time that Public Act 164 closed the loophole in the wrongful death statute and so would apply to all situations in which conduct toward a pregnant woman resulted in the death of the embryo or fetus she carried.

Support: MTLA and Right to Life support this bill.]

- *HB 4777 was moved to 3rd reading of Bills. No amendments.*
- **HB 4777 passed with IE [RC 608: 35 yes, 0 no].**

HB 5026 (Emmons)

House Bill 5026 creates the Vehicle Protection Product Act, which requires providers of warranties for vehicle protection products (anti-theft devices, satellite tracking systems, pedal and ignition locks, kill switches, etc.) to register with DLEG. Various consumer protection provisions are also included. Providers of warranties for vehicle protection products would have to register with DLEG, and would not be subject to the Insurance Code. Providers would have to give the dept. information such as name, address, phone number, a copy of the

warranty reimbursement insurance policy, and any warranties offered. Registrants would be charged a fee not to exceed \$250 per year, and could not promote themselves as insurance companies. Accurate accounts, books, and records would have to be kept by the provider. Several financial provisions are required of providers, ensuring that any consumer losses are covered. Additionally, policy cancellations would be regulated as well. DLEG would be authorized to conduct examinations of warrantors to enforce the act, and could promulgate rules and issue orders to ensure compliance. The department would also be allowed to bring an action in a court of law to enjoin violations of the act or administrative rules.

- *Committee 1 (S-3) was adopted.*
- *HB 5026 was moved to 3rd reading of Bills.*
- **HB 5026 passed with IE [RC 618: 35 yes, 0 no].**

HB 5067 (Jones)

House Bill 5067 would prohibit the use of an “alcohol vapor devise.” Such devises use air or oxygen bubbled through alcohol to produce a vapor or mist that the user may inhale. A violation would be a misdemeanor, punishable by a fine of not more than \$500 and/or imprisonment for not more than six months.

- *Committee 1 (S-1) was adopted.*
- *HB 5067 was moved to 3rd reading of Bills.*
- **HB 5067 passed with IE [RC 617: 35 yes, 0 no].**

HB 5332 (Ball)

House Bill 5332 would allow property-casualty insurers to give customers (applicants or insureds) gifts valued under \$10. The Insurance Code prohibits insurers from giving any rebates or inducements. This bill would make an exception for small gifts, with an invoice value of \$10 or less.

- *HB 5332 was moved to 3rd reading of Bills. No amendments.*
- **HB 5332 passed with IE [RC 614: 35 yes, 0 no].**

HB 5395 (Hood)

HB 5395 would amend the Michigan Memorial Highway Act to name a portion of I-96 in Wayne County, between I-75 and M-24, the "Rosa Parks Memorial Highway".

- **HB 5395 was moved to 3rd reading of Bills. No amendments.**
- **HB 5395 passed with IE [RC 619: 35 yes, 0 no].**

THIRD READING

SB 783 (Bishop)

HB 5176 (Acciavitti)

HB 5177 (Pavlov)

HB 5178 (Palsrok)

FOREIGN SOLID WASTE PROHIBITION

The bills would prohibit a person from delivering for disposal in a landfill or incinerator municipal solid waste (MSW) that was generated outside of the United States. Prohibit a landfill or incinerator owner or operator

from accepting for disposal MSW that was generated outside of the United States. Provide that the prohibitions would not apply unless Congress enacted legislation authorizing them. Establish a felony penalty for a person who knowingly committed a violation. Require a court to order a violator to return, or pay to the State the cost of returning, the solid waste that was the subject of the violation.

Senate Bill 783, in addition to any other relief provided by this section, the court would have to order a person who knowingly violated the provisions of HB 5176 would have to return, or pay to the State an amount equal to the cost of returning, the solid waste that was the subject of the violation, to the country where it was generated. The person also would be liable for any damage to roads, streets, or other public infrastructure caused by the violation.

- Committee 1 (S-1) was adopted.
- SB 783 was moved to 3rd reading of Bills.

House Bill 5176 would add Section 11526e to NREPA to prohibit a person from delivering for disposal in a landfill or incinerator in this State, municipal solid waste, including MSW incinerator ash, that was generated outside of the United States. The bill also would prohibit the owner or operator of a landfill or incinerator in Michigan from accepting for disposal MSW, including MSW incinerator ash, that was generated outside of the United States.

- Brater 1a was not adopted.
- Brater 1b was not adopted.
- Committee 1 (S-1) was adopted.
- HB 5176 was moved to 3rd reading of Bills.

House Bill 5177, a person who knowingly violated the provisions of HB 5176 would be guilty of a felony punishable by imprisonment for up to two years and/or a fine of up to \$5,000.

- HB 5177 was moved to 3rd reading of Bills. No amendments.

House Bill 5178, the felony would be a Class G offense against public safety with a statutory maximum sentence of two years.

- HB 5178 was moved to 3rd reading of Bills. No amendments.

SB 829 (Allen)

SB 830 (Allen)

SB 831 (Allen)

SB 832 (Allen)

MACKINAC BRIDGE AUTHORITY

The bills would amend various statutes concerning the Mackinac Bridge Authority to do the following: Repeal a section transferring the operation of the Mackinac Bridge to the State Highway Department upon the repayment of refunding bonds issued by the MBA. Transfer the MBA to the MDOT as an autonomous entity within the Department. Eliminate a provision designating the State Treasurer the treasurer of the MBA; require the MBA board to elect a member to serve as treasurer; and require the MBA to determine the manner of investing funds. Allow the MBA to contract with any agency, including MDOT, for business and related management functions necessary to assure the bridge's continued operation.

Senate Bill 829 would repeal existing law that requires the transfer of the Mackinac Bridge to the State Highway Department or its successor (MDOT) once the bonds have been paid.

- Allen 1 (S-1) was adopted.
- SB 829 was moved to 3rd reading of Bills.

Senate Bill 830 would amend the Executive Organization Act to state that the MBA, with all its statutory authority, powers, duties, functions, records, personnel, property, unspent balances of appropriations, allocations, or other funds, including the functions of budgeting and procurement and management-related functions, would be transferred to and would be an autonomous entity in MDOT.

- Allen 1a was adopted.
- Allen 1 (S-1) as amended was adopted
- SB 830 was moved to 3rd reading of Bills.

Senate Bill 831 would amend the Mackinac Bridge Authority statute allow for the seventh member of the Authority to be the MDOT director or designee. Current law refers to the State Highway Commissioner. It would also require the MBA to appoint a treasurer from among its members and require the MBA to determine fund investments. Current law requires the State Treasurer to be the MBA treasurer and to invest funds as with any other state funds. Finally, the bill extends the authority of the MBA to hire employees to contract employees.

- Allen 1 (S-1) was adopted.
- SB 831 was moved to 3rd reading of Bills.

Senate Bill 832 would amend the statute authorizing the Mackinac Bridge Authority to acquire a bridge so that the authority has in its sole discretion the power to contract with any agency for business planning services, inspections, maintenance and repairs, and other services the authority may deem necessary to assure the continued operation of the Bridge.

- Allen 1 (S-1) was adopted.
- SB 832 was moved to 3rd reading of Bills.